

1970

c 96 Credit Unions Act

Ontario

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CHAPTER 96

The Credit Unions Act

1. In this Act,

- (a) "amendment of a by-law" includes a new by-law and a resolution revoking a by-law;
- (b) "auditor" means a public accountant licensed under *The Public Accountancy Act*; Interpretation
R.S.O. 1970,
c. 373
- (c) "by-laws" means by-laws approved under this Act, and includes any amendment of a by-law approved under this Act;
- (d) "Director" means the Director of the Registration and Examination Branch of the Department of Financial and Commercial Affairs;
- (e) "land" includes hereditaments and chattels real, and any interest therein;
- (f) "meeting" includes a meeting of delegates appointed by members;
- (g) "Minister" means the Minister of Financial and Commercial Affairs;
- (h) "officer" includes the treasurer, secretary, manager, assistant treasurer, assistant secretary, assistant manager and any employee who has authority to approve loans;
- (i) "persons claiming through a member" includes the heirs, executors, administrators and assigns of a member;
- (j) "property" includes all real and personal estate;
- (k) "regulations" means the regulations made under this Act;
- (l) "supervisor" means the supervisor of credit unions appointed for the purposes of this Act. R.S.O. 1960, c. 79, s. 1; 1960-61, c. 16, s. 1; 1964, c. 14, s. 1; 1968-69, c. 21, s. 1 (1), *amended*.

2. All applications under this Act are subject to the approval of the Minister after consideration of the compliance of the application with this Act and of all circumstances connected therewith, and the Minister or any officer of his department to whom an application is referred may, for the purpose of any

Applications
subject to
approval of
Minister

inquiry into such circumstances and the sufficiency and regularity of the application, take evidence in writing under oath. R.S.O. 1960, c. 79, s. 2, *amended*.

Idem

3. All applications to the Minister for incorporation shall be by memorandum of association, verified by affidavit or declaration, and a certificate of incorporation shall not be issued without the written approval of the Director. R.S.O. 1960, c. 79, s. 3; 1964, c. 14, s. 2, *amended*.

Objects of
credit
unions

4.—(1) Credit unions may be incorporated having for their object and purpose,

- (a) the receiving of moneys on deposit from members and as payment for shares;
- (b) the making of loans to members with or without security for provident and productive purposes.

Ancillary
powers

(2) As incidental and ancillary to the objects set out in subsection 1, a credit union may,

- (a) make loans to other credit unions;
- (b) deposit moneys with and make loans to any league incorporated under section 55 or a predecessor thereof so long only as the amount so deposited or loaned does not exceed 25 per cent of its share capital and deposits;
- (c) subject to confirmation by its members at an annual or special general meeting, make donations and gifts out of its surplus income or any undivided earnings, other than the guarantee fund, for the purpose of advancing the interests of the credit union or of credit unions generally. R.S.O. 1960, c. 79, s. 4.

Number
necessary to
incorporate

5.—(1) Any number of persons not fewer than twenty, capable of contracting, may be incorporated as a credit union.

Memoran-
dum of
association

(2) Such persons shall sign in duplicate before two witnesses a memorandum of association in the prescribed form, and both copies, with two copies of the proposed by-laws, shall be forwarded to the Minister. R.S.O. 1960, c. 79, s. 5, *amended*.

Certificate
of incor-
poration

6.—(1) Upon receipt of the documents mentioned in subsection 2 of section 5, the Minister may, in his discretion, refuse to issue a certificate of incorporation or may issue a certificate of incorporation.

Return of
memoran-
dum

(2) One copy of the memorandum of association shall be retained by the Minister and the other copy of such memorandum, to which the certificate of incorporation shall be affixed, shall be forwarded to the credit union. R.S.O. 1960, c. 79, s. 6 (1, 2), *amended*.

(3) On and after the date of the certificate of incorporation, the credit union is a corporation under the name set forth in the certificate, and all property for the time being vested in any person in trust for the credit union is vested in the credit union and the certificate of incorporation and the by-laws of the credit union, together with this Act, constitute the charter of the credit union. R.S.O. 1960, c. 79, s. 6 (3).

Date of
incorpora-
tion;
vesting of
property

(4) The Minister shall cause notice of the issue of a certificate of incorporation to be given in *The Ontario Gazette* and to the Director. R.S.O. 1960, c. 79, s. 6 (4); 1964, c. 14, s. 3, *amended*.

Notice

7. The production of a copy of *The Ontario Gazette* containing the notice of incorporation of a credit union is conclusive evidence that the credit union was duly incorporated. R.S.O. 1960, c. 79, s. 7.

Evidence
of incor-
poration

8. The membership of a credit union shall be limited to persons having a common bond of occupation or association or to persons within a well-defined neighbourhood or community. R.S.O. 1960, c. 79, s. 8.

Membership

9.—(1) Every credit union shall have a registered office to which all communications and notices shall be sent, and the credit union shall send to the supervisor written notice in duplicate of the location of its registered office and of every change of location. R.S.O. 1960, c. 79, s. 9 (1).

Registered
office

(2) The supervisor shall transmit one copy of such notice to the Minister. R.S.O. 1960, c. 79, s. 9 (2), *amended*.

Idem

10. A corporation that is subject to this Act may, by by-law, provide for the holding, purchasing or leasing in its own name of such real estate as is necessary for its own use and benefit for the transaction of its business and may sell, mortgage or dispose of it, and, with the written consent of the Director, may lease, acquire or construct a building larger than is required for the transaction of its business, and lease any part of the building not so required. 1964, c. 14, s. 4.

Power to
hold real
estate

11. No credit union shall be incorporated under a name identical with that of any other credit union or of any corporation or organization or under a name so nearly resembling that of any other credit union, corporation or organization as, in the opinion of the Minister, to be likely to deceive. R.S.O. 1960, c. 79, s. 11, *amended*.

Name

12. The word "Limited" or "Limitee" shall be the last word of the name of every credit union. R.S.O. 1960, c. 79, s. 12.

"Limited"
or "Limitee"
in name

Use of words
"credit
union"

13. Every person, not being a credit union to which this Act applies, that trades or carries on business under a name or title of which the words "credit union" form a part is guilty of an offence under this Act. R.S.O. 1960, c. 79, s. 13.

Change of
name, by
Minister

14.—(1) The Minister may at any time by order change the name of a credit union where he considers it to be identical with the name of any other credit union or any corporation or organization or so nearly to resemble any such name as to be likely to deceive or if for any other reason he considers it to be objectionable.

Idem

(2) A credit union may, if authorized by a resolution passed by two-thirds of its members present at a general meeting called for that purpose, apply to the Minister for an order changing its name.

Notice

(3) The Minister shall cause notice of the change of name of a credit union to be given in *The Ontario Gazette*.

Effect of
change of
name

(4) A change of name of a credit union does not affect any right or obligation of the credit union or of any member thereof, and any pending legal proceedings may be continued by or against the credit union notwithstanding such change. R.S.O. 1960, c. 79, s. 14, *amended*.

By-laws

15. By-laws of a credit union may,

- (a) prescribe the purposes for which the profits of the credit union may be appropriated;
- (b) prescribe the maximum number of shares that may be held by a member thereof;
- (c) prescribe the maximum amount that may be deposited by or loaned to a member thereof;
- (d) provide for the expulsion and withdrawal of members thereof;
- (e) prescribe the form of any instrument necessary for carrying the purposes of the credit union into effect; and
- (f) provide for such matters as are authorized by the regulations. R.S.O. 1960, c. 79, s. 15.

Approval of
by-laws

16.—(1) No by-law or amendment of a by-law is operative until it has been approved by the supervisor, for which purpose two copies thereof, signed by three members and the secretary or by the president and the secretary, shall be sent to the supervisor.

Idem

(2) The supervisor, on being satisfied that a by-law or amendment of a by-law has been duly passed by the credit union, may approve it. R.S.O. 1960, c. 79, s. 16.

- 17.** The by-laws of a credit union bind the credit union and every member thereof and every person claiming through a member to the same extent as if the member had subscribed his name and affixed his seal thereto and as if there were contained in such by-laws a covenant on the part of the member, his heirs, executors, administrators and assigns to conform thereto subject to this Act. R.S.O. 1960, c. 79, s. 17. By-laws,
effect of
- 18.** A copy of the by-laws of a credit union shall be delivered by the credit union to every member on demand on payment of the sum fixed by the by-laws. R.S.O. 1960, c. 79, s. 18. Copies of
by-laws
- 19.** A credit union may create a capital divided into shares, and the amount thereof, the number of shares, and the payments thereon, shall be determined by its by-laws, but the amount of each share shall in no case exceed \$10. R.S.O. 1960, c. 79, s. 19. Capital,
how created
- 20.—(1)** The capital of a credit union may, subject to the by-laws, be increased by subscriptions for new shares or the admission of new members, and it may be diminished by withdrawals. Capital,
how in-
creased and
diminished
- (2) After the first application for a share or shares by a member, payment on account of additional shares shall be deemed to be an application for such additional shares and receipt of the payments by the credit union shall be deemed to be an allotment of such shares. Additional
shares
- (3) A member is not liable to the credit union for shares subscribed for in excess of the amount actually paid thereon. R.S.O. 1960, c. 79, s. 20. Member's
liability
for shares
- (4) Where the board of directors determines that the credit union has suffered an impairment of capital, the board may by resolution fix the proportion of money invested in shares that may be withdrawn, and so long as any impairment of capital exists, may from time to time change the proportion that may be withdrawn. Where
capital
impaired
- (5) After the passing of such a resolution, no member of the credit union is entitled to withdraw any portion of the money invested in shares in excess of the proportion specified in the resolution until the resolution has been revoked by the board, or to set off against any debts owing by him to the credit union a greater proportion of the money invested in shares than is specified in the resolution. Idem
- (6) No resolution passed under subsection 4 applies to money invested in shares after the date of the resolution. 1960-61, c. 16, s. 2. Idem

Shares
in trust

21. A member, in addition to holding shares in his own name, may subscribe for and hold shares and make deposits in trust for a named beneficiary, and such beneficiary without payment of any entrance fee shall be deemed to be a member of the credit union only for the purpose of qualifying for life insurance under a group policy of insurance purchased by the credit union on the lives of its members and is not entitled to notice of meetings or to vote at meetings. R.S.O. 1960, c. 79, s. 21.

Joint
accounts

22. Two or more members may hold their shares and deposits in a joint account, and, in the absence of written notice to the contrary, payment by the credit union to any of such members or to the survivor or any of the survivors of such members of any money standing to the credit of the joint share or deposit account discharges the credit union from any further liability for such payment. R.S.O. 1960, c. 79, s. 22.

Corporate
members

23.—(1) A corporation may become a member of a credit union where,

- (a) in the case of a corporation having share capital, the persons holding equity shares carrying at least 51 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding are members of that credit union;
- (b) in the case of a corporation without share capital, at least 51 per cent of the members of the corporation are members of that credit union.

Loans to
corporate
members

(2) A credit union shall not make a loan to a member that is a corporation unless the loan is approved by a joint meeting of the board of directors, the credit committee and the supervisory committee of the credit union. 1968-69, c. 21, s. 2.

Votes

24. No member shall have more than one vote, and voting by proxy shall be allowed only when shares are held by an agricultural association, a municipal body, a school board, or other corporation. R.S.O. 1960, c. 79, s. 24.

Members
under 21

25. Subject to the by-laws, a person under the age of twenty-one years may be a member of a credit union, and every such person may enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the by-laws, but shall not be a trustee, manager, treasurer or a member of the board of directors, credit committee or supervisory committee of the credit union and does not have the right to borrow any amount in excess of his savings in the credit union except upon a joint and several promissory note signed by him and by a person over twenty-one years of age. R.S.O. 1960, c. 79, s. 25.

26.—(1) Every credit union shall keep a register or list of members and shares. Register of members and shares

(2) The register or list, as the case may be, is *prima facie* Idem evidence of any of the following matters entered therein:

1. The names and addresses of the members and the number of shares held by each member.
2. The date on which the name of any person or corporation was entered in the register or list as a member.
3. The date on which any person or corporation ceased to be a member. R.S.O. 1960, c. 79, s. 26.

27.—(1) All moneys payable by a member to a credit union are a debt due from the member to the credit union and are recoverable as such in a court of competent jurisdiction. Recovery of moneys payable by member

(2) A credit union has a lien on the shares and deposits of a member for any debt due to it by him, and may set off any sum standing to the credit of such member on the books of the credit union in or towards the payment of such debt. R.S.O. 1960, c. 79, s. 27. Credit union has lien on shares

28.—(1) Where the combined share capital and the deposits of a credit union exceed \$100,000 and it has appointed an auditor under subsection 11 of section 35 and it has an accounting system satisfactory to the Director and its board of directors has authorized the practice, it may, so long only as the Director approves in writing, permit its members to use negotiable orders for the withdrawal of moneys on deposit. Negotiable orders

(2) Any credit union to which the Director has given his approval under subsection 1 shall not make any loan and shall not invest in funds otherwise than in government securities and municipal securities if the aggregate of, Liquid assets

- (a) its cash on hand or on deposit in chartered banks, the Province of Ontario Savings Office, trust companies, leagues under this Act, or co-operative credit societies subject to the *Co-operative Credit Associations Act* (Canada); and 1952-53, c. 28 (Can.)
- (b) the face value of its investments in bonds and debentures of or guaranteed by the Government of Canada or any province thereof or by a municipal corporation in Canada, excluding any such investments that are pledged as security for money borrowed by the credit union,

is less than 20 per cent of the amount of money deposited with the credit union that is withdrawable by negotiable order.

(3) The Director may at any time revoke any approval given under subsection 1. 1964, c. 14, s. 5 (1). Revocation of approval

Overdrafts
prohibited

29.—(1) No officer or employee of a credit union shall permit any withdrawal of moneys from the deposit or share account of a member unless the amount in such deposit or share account is equal to or in excess of the amount sought to be withdrawn, and any such officer or employee who contravenes this subsection is guilty of an offence under this Act.

General
authoriza-
tions to
transfer
moneys
prohibited

(2) No credit union shall accept any general authorization to transfer moneys from a member's share account or other account to a deposit account from which withdrawals by negotiable orders may be made, but may make such transfers only upon the express authorization of the member in writing given in each case.

Remedies
not
affected

(3) Nothing in this section curtails, abridges, defeats or otherwise affects any remedy for the recovery from a member of any amount withdrawn in excess of the amount standing to his credit in his deposit or share account. 1964, c. 14, s. 6.

Guarantee
fund

30.—(1) Subject to subsection 5, every credit union shall set aside at least 20 per cent of its yearly net profits as a guarantee fund to meet losses, and the fund shall be held as a reserve against uncollectable loans and losses, but, where at the close of any fiscal year the amount set aside for the guarantee fund equals at least 10 per cent of the total amount received from members on deposit and as payment for shares, the directors may, subject to the approval of two-thirds of the members present at the annual meeting, direct that no moneys be set aside for the guarantee fund for the then current year. R.S.O. 1960, c. 79, s. 28 (1); 1964, c. 14, s. 7 (1).

Educational
fund

(2) A credit union may by resolution of the members provide that, after making provision for the guarantee fund and before declaring a dividend, an amount not exceeding 5 per cent of the net earnings be set aside in a special fund to be used for such educational purposes as are specified in the resolution.

Entrance
fees and
fines

(3) Entrance fees and fines, if any, shall be added to the guarantee fund, but an amount not exceeding \$70 may, in the discretion of the board of directors, be withdrawn therefrom to cover organization expenses incurred during the first year of operations.

Uncollect-
able loans

(4) Subject to the approval of the board of directors and the supervisory committee, the outstanding principal balance of any uncollectable loan, after crediting to such principal any moneys to the credit of the member on shares and deposits, shall be charged to the guarantee fund and no charge shall be made to the guarantee fund for fines or interest on any such loan from the date of the last interest payment made by the borrower nor shall the amount standing to the credit of the member on shares or deposits be applied towards payment of fines or interest. R.S.O. 1960, c. 79, s. 28 (2-4).

(5) The directors of a credit union whose combined share capital and deposits exceed \$500,000 and whose guarantee fund equals at least 5 per cent of the total amount received from members on deposit and as payment for shares may, with the approval in writing of the Director and with the approval of two-thirds of the members present at an annual or special meeting, direct that no moneys or that a sum less than that required by subsection 1 be set aside for the guarantee fund. Idem

(6) The Director may at any time revoke or alter any approval given under subsection 5. 1964, c. 14, s. 7 (2). Withdrawal of consent

31. A credit union may by by-law provide for accepting moneys for deposit in respect of which a specified rate of interest is payable only if the deposit is not withdrawn for a fixed term, and the credit union shall set aside a reserve fund, adjusted annually, in the amount of the interest accruing on such deposits. 1966, c. 33, s. 1. Term deposits

32.—(1) Subject to clauses *a* and *b* of subsection 2 of section 4, no credit union shall advance money by discount, loan or otherwise to, or accept deposits from, persons other than its members. Advances to members only

(2) Interest together with all charges and penalties shall not exceed 1 per cent per month on the unpaid balance of any loan. Interest rate on loans

(3) No officer or member of a committee or of the board of directors of a credit union shall borrow an amount in excess of the aggregate of his fully-paid-up shares and deposits unless such loan is approved by the directors and the supervisory committee in addition to the approval required by the credit committee. R.S.O. 1960, c. 79, s. 29. Loans to officers

33.—(1) Every credit union shall at its first general meeting elect from its members a board of directors of at least five members who shall hold office for such term as the by-laws prescribe and until their successors are elected. R.S.O. 1960, c. 79, s. 30 (1). Board of directors

(2) No person shall be a director of a credit union of which he is a full-time employee. 1966, c. 33, s. 2 (1). Employees

(3) The board of directors shall perform such duties as are prescribed by this Act, the regulations, and the by-laws of the credit union. Duties of board

(4) The by-laws may provide for the election and retirement of directors in rotation, but in that case no director shall be elected for a term of more than three years. Election in rotation

(5) A majority of the board of directors constitutes a quorum. Quorum

Vacancies

(6) So long as there is a quorum of directors in office, any vacancy occurring on the board of directors may be filled until the next annual meeting by the directors then in office.

Idem

(7) When a quorum of directors is not in office, the director or directors then in office shall forthwith call a general meeting of the members to fill the vacancies, and, in default or if there are no directors then in office, the meeting may be called by any member.

Idem

(8) When a member of the board of directors fails to attend three consecutive meetings of the board without, in the opinion of the board, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the board, his position on the board may be declared vacant by the remaining members of the board and the vacancy shall be filled as provided in this section. R.S.O. 1960, c. 79, s. 30 (2-7).

Credit committee

34.—(1) Subject to subsections 8 and 10, every credit union shall at its first general meeting elect from its members a credit committee of at least three members, who shall not be members of the board of directors or the supervisory committee or officers of the credit union, and who shall hold office for such term as the by-laws prescribe and until their successors are elected, but, if the by-laws so provide, the president shall be a member *ex officio* of the credit committee. R.S.O. 1960, c. 79, s. 31 (1); 1960-61, c. 16, s. 3 (1).

Election in rotation

(2) The by-laws may provide for the election and retirement of members of the credit committee in rotation, but in that case no member of the credit committee shall be elected for a term of more than three years.

Quorum

(3) A majority of the credit committee constitutes a quorum.

Vacancies

(4) Any vacancy occurring in the credit committee may be filled by the board of directors until the next annual meeting.

Idem

(5) When a member of the credit committee fails to attend three consecutive meetings of the committee without, in the opinion of the board of directors, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the committee, his position on the committee may be declared vacant by the board of directors and the vacancy shall be filled as provided in this section.

Duties

(6) It is the duty of the credit committee to consider all applications and approve all loans to members. R.S.O. 1960, c. 79, s. 31 (2-6).

(7) The credit committee may upon such terms as it determines, Delegation of powers

- (a) authorize the treasurer or manager, without obtaining its approval, to make loans in amounts not exceeding the shares and deposits of the borrower less any debts owing by him to the credit union; or
- (b) authorize the treasurer, manager or other person, without obtaining its approval, to make loans in amounts not exceeding \$100 for periods not exceeding three months. R.S.O. 1960, c. 79, s. 31 (7); 1966, c. 33, s. 3 (1).

(8) A credit union may by by-law provide that the board of directors shall appoint one or more employees to perform all or such part of the duties of the credit committee as are specified in the by-law. 1960-61, c. 16, s. 3 (2), *part*. Subdelegation of power

(9) A credit union, other than a credit union league, shall not appoint the secretary, treasurer or manager of the credit union, or his assistant, under a by-law passed under subsection 8. 1966, c. 33, s. 3 (2). Officers not to be appointed

(10) If the by-law provides that the person or persons so appointed shall perform all the duties of the credit committee, it shall provide that, as long as the by-law remains in force, it shall not be necessary to elect a credit committee as required by subsection 1 or that, as long as the by-law remains in force, the credit committee shall have only the powers of an advisory committee. Idem

(11) No loan that is greater than the maximum amount that may be loaned to a member as set out in the by-laws of the credit union shall be approved. 1960-61, c. 16, s. 3 (2), *part*. Maximum loans

35.—(1) Subject to subsection 15, every credit union shall at its first general meeting elect from its members a supervisory committee of three members, who shall not be members of the board of directors or the credit committee or officers of the credit union, and who shall hold office for such term as the by-laws prescribe and until their successors are elected. Supervisory committee

(2) The by-laws may provide for the election and retirement of members of the supervisory committee in rotation, but in that case no member shall be elected for a term of more than three years. Election in rotation

(3) Two members of the supervisory committee constitute a quorum. Quorum

(4) So long as there is a quorum of members of the supervisory committee in office, any vacancy occurring in the supervisory committee may be filled until the next annual meeting by the members of the supervisory committee then in office. Vacancies

Idem (5) When a quorum of members of the supervisory committee is not in office, the directors may fill the vacancies until the next annual meeting or may forthwith call a general meeting of the members to fill the vacancies.

Idem (6) When a member of the supervisory committee fails to attend three consecutive meetings of the committee without, in the opinion of the board of directors, having a reasonable cause therefor, or fails to perform any of the duties allotted to him as a member of the committee, his position on the committee may be declared vacant by the remaining members thereof and the vacancy shall be filled as provided in this section.

Duties (7) The supervisory committee shall from time to time examine and audit the books of the credit union and the deposit books of the members and shall check the cash, investments and securities of the credit union. R.S.O. 1960, c. 79, s. 32 (1-7).

Misappropriation of funds, etc. (8) In the event of any of the funds, securities or other property of the credit union being misappropriated or misdirected or in the event of any of the by-laws of the credit union being contravened by the board of directors or by the credit committee or by a member thereof or by an officer or employee engaged by the board of directors, the supervisory committee shall forthwith advise the supervisor in writing and shall call a general meeting of the credit union, and, pending the holding of the general meeting, the committee may suspend any member of the board of directors or credit committee or any officer or employee until the general meeting and may appoint a member of the credit union to perform the duties of the person so suspended. R.S.O. 1960, c. 79, s. 32 (8); 1960-61, c. 16, s. 4 (1).

Idem (9) The supervisory committee shall report to the general meeting all the circumstances of such misappropriation or misdirection of funds, securities or other property and the reasons for such suspension, and the members of the credit union may by a vote of two-thirds of the members present at the meeting, or at any adjournment thereof, dismiss from office any person so suspended, and, when the members of the credit union do not so vote to dismiss from office any person so suspended, the person shall be reinstated forthwith.

Annual report (10) The supervisory committee shall submit a written report to each annual general meeting.

Auditors (11) A credit union may, by by-law, provide for the appointment of an auditor or auditors in lieu of or in addition to the supervisory committee and may delegate to such auditor or auditors the whole or such part of the duties of the supervisory committee as the by-law provides.

(12) The members of the credit union may fix the remuneration of the auditor or auditors or may delegate to the board of directors authority to fix such remuneration. R.S.O. 1960, c. 79, s. 32 (9-12). Remuneration of auditors

(13) If a majority of the supervisory committee suspects that any of the funds, securities or other property of the credit union have been misappropriated or misdirected, the supervisory committee may, with the written approval of the supervisor, appoint an auditor or auditors to assist it in ascertaining whether any of the funds, securities or other property of the credit union have in fact been misappropriated or misdirected and the remuneration of any auditor or auditors so appointed shall be paid by the credit union. R.S.O. 1960, c. 79, s. 32 (13); 1960-61, c. 16, s. 4 (2). Special audit

(14) The supervisory committee may appoint such persons as it considers necessary to assist it in performing its duties, and the remuneration to be paid to such persons shall be determined by the board of directors. Clerks

(15) Where a credit union pursuant to subsection 11 has passed a by-law appointing an auditor or auditors to perform the duties of the supervisory committee set forth in subsections 7 and 10, the by-law may delegate the remaining powers and duties of the supervisory committee to the board of directors and provide that so long as the by-law remains in force it is not necessary to elect the supervisory committee as required by subsection 1. R.S.O. 1960, c. 79, s. 32 (14, 15). Delegation of powers to board of directors

36. All payments to officers of a credit union for services rendered shall be approved by its board of directors. R.S.O. 1960, c. 79, s. 33. Payments to officers

37. Every officer or employee engaged by the board of directors of a credit union who receives or has charge of money shall before assuming the duties of his office furnish a bond for the due accounting of moneys received by him and the faithful performance of his duties with such sureties and in such form and amount as the board of directors may determine. R.S.O. 1960, c. 79, s. 34. Bond of officers

38.—(1) The funds of a credit union may be invested, Investment of funds

- (a) in any investment that is authorized by *The Insurance Act* for the investment of funds of joint stock insurance companies other than the investments authorized by clauses *o* and *q* of subsection 1 of section 355 of that Act; R.S.O. 1970, c. 224
- (b) in any investment, where such investment is approved by a resolution passed by a two-thirds majority of those present at a meeting of the members called for the purpose, but in no case shall a resolution under this

clause affect more than 10 per cent of the share capital and deposits of the credit union and in no case shall the aggregate of all investments of the credit union under this clause exceed 25 per cent of its share capital and deposits; or

- (c) in the paid-up shares of a credit union league incorporated under section 55, but the amounts so invested shall not exceed 25 per cent of the share capital of the credit union. R.S.O. 1960, c. 79, s. 35 (1); 1960-61, c. 16, s. 5; 1966, c. 33, s. 4.

Idem (2) Any investment made by a credit union before the 7th day of June, 1949, that does not comply with this section may be retained by the credit union, but shall be disposed of at such time as is determined by the Director. R.S.O. 1960, c. 79, s. 35 (2); 1964, c. 14, s. 8.

Representation by proxy (3) A credit union that has invested any part of its funds in the shares or on the security of any other corporation may appoint as proxy any one of the members of such credit union.

Extent of power of proxy (4) The proxy shall, during the continuance of his appointment, be deemed to be the holder of any such shares for all purposes except the transfer of such shares or the giving of receipts for any dividend thereon. R.S.O. 1960, c. 79, s. 35 (3, 4).

Borrowing money **39.** The board of directors of a credit union may pass resolutions for borrowing money, but at no time shall the total amount borrowed exceed 50 per cent of its capital, deposits and surplus. R.S.O. 1960, c. 79, s. 36.

Saving **40.** Nothing in section 39 limits the amount that may be received on deposit from members. R.S.O. 1960, c. 79, s. 37.

Must be by two-thirds vote **41.—(1)** No resolution referred to in section 39 takes effect until it has been confirmed by a vote of not less than two-thirds of the members present or represented by proxy at a general meeting of the credit union, duly called for considering the resolution by notice specifying the terms of the resolution to be confirmed, or until unanimously sanctioned in writing by the members of the credit union, but no confirmation of any such resolution is required when the total sum borrowed does not exceed 25 per cent of the capital, deposits and surplus of the credit union. R.S.O. 1960, c. 79, s. 38.

Term of confirmation (2) A confirmation of a resolution by the members of a credit union under subsection 1 shall not be given for a term exceeding one year. 1966, c. 33, s. 5.

42.—(1) The board of directors may charge, hypothecate, mortgage or pledge the real or personal property, rights and powers, undertaking, franchises, including book debts, to secure any liability of the credit union authorized by resolution and confirmed as provided in this Act. Mortgaging assets

(2) No assignee, mortgagee, pledgee, chargee or hypothec holder is bound to inquire as to the authority for any such assignment, mortgage, pledge, charge or hypothec by a credit union, and the receipt of the credit union is a discharge for all moneys arising from or in connection with such assignment, mortgage, pledge, charge, hypothec or other security. R.S.O. 1960, c. 79, s. 39. Effect of receipt

43.—(1) Where a member of a credit union dies, the directors may pay, Failure to file annual statement

- (a) an amount not exceeding \$1,250 out of the amount on deposit in the name of the deceased or for the shares of the deceased; and
- (b) an amount not exceeding \$1,250 out of any money that is received by the credit union under any policy of insurance on the life of the deceased,

to any person who the directors are satisfied, by statutory declaration attested to not sooner than thirty days after the death, is entitled.

(2) A payment made under subsection 1 discharges any obligation of the credit union or its directors in respect of the money paid but does not affect the right of any other person claiming to be entitled to recover such money from the person to whom it was paid. Effect of payment

(3) Where a member of a credit union dies holding shares or money on deposit in his name in trust for a named beneficiary, the credit union may pay the amount of such shares or deposit to the executor or administrator of the estate of the deceased member, subject to the trusts or, where there is no executor or administrator, to the beneficiary or, where the beneficiary is an infant, to his parent or guardian. 1968-69, c. 21, s. 3 (1). Deposits or shares in trust

44. Where moneys are held by a credit union to the credit of one of its members by reason of a deposit made or shares held by such member and the credit union is unable after reasonable efforts to locate the person entitled to such moneys, the credit union may pay such moneys to the Treasurer of Ontario and the Treasurer of Ontario may pay such moneys to the person entitled thereto upon satisfactory proof being furnished by such person that he is the person entitled to receive such moneys. R.S.O. 1960, c. 79, s. 42. Unclaimed credits

Annual
meeting

45.—(1) The annual meeting of a credit union shall be held at such time and place as its by-laws provide, and, in default of provisions in that behalf, the annual meeting shall be held at its registered office on the fourth Wednesday in January.

Business
to be dealt
with

(2) At such meeting, the board of directors shall place the following before the credit union:

1. A balance sheet made up to a date not more than three months before such meeting.
2. A statement of income and expenditure for the financial period ending upon the date of such balance sheet.
3. The report of the supervisory committee.
4. Such further information respecting the credit union's financial position as its by-laws require.

What
balance
sheet to
show

(3) The balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities:

1. Cash.
2. Debts owing to the credit union from its members.
3. Land and buildings.
4. Debts owing by the credit union secured by mortgage or other lien upon its property.
5. Debts owing by the credit union but not secured.
6. Amount received on shares.
7. Amount held on deposit. R.S.O. 1960, c. 79, s. 43.

Dividends
on shares
held during
year

46. At each annual meeting a credit union may by resolution upon the recommendation of the board of directors declare a dividend payable to all members at the end of the previous fiscal year on the amounts paid in on shares held by such members at any time during the year as may be determined by the resolution. R.S.O. 1960, c. 79, s. 44.

Annual
statement
to be given
to members

47. Every credit union shall without charge supply to every member or other person interested in its funds, upon application therefor or as provided by its by-laws, a copy of its last annual balance sheet and return. R.S.O. 1960, c. 79, s. 45.

Inspection
of books

48.—(1) Except as provided in this Act, no member or other person has any right to inspect the books of a credit union.

Idem

(2) Any member or other person having an interest in the funds of a credit union may inspect his own account and the books containing the names of the members at all reasonable hours at its

registered office or at whatever other place they are kept, subject to such conditions as to time and manner of inspection as the by-laws may prescribe.

(3) A credit union may by by-law authorize the inspection of any of its books therein mentioned, in addition to the books containing the names of members, under such conditions as are thereby prescribed, and no person, unless he is an officer of the credit union or is specifically authorized by a resolution thereof, has the right to inspect the loan or deposit account of any other member without such other member's written consent. R.S.O. 1960, c. 79, s. 46. As to loan or deposit accounts of members

49. Every dispute not of a pecuniary character, and every dispute of a pecuniary character in which the amount involved does not exceed \$100, between a member of a credit union or a person aggrieved who has for not more than six months ceased to be a member of the credit union, or a person claiming through any such member or person, or claiming under the by-laws of the credit union, and the credit union or any officer thereof, shall be decided in the manner prescribed by its by-laws where its by-laws provide therefor. R.S.O. 1960, c. 79, s. 47. Disputes

50.—(1) Upon the application of one-tenth of the members of a credit union, or of 100 members in the case of a credit union having more than 1,000 members, the Director may, Examination by supervisor; special meeting

(a) direct the supervisor to examine into and report upon the affairs of the credit union;

(b) call a special meeting of the credit union. R.S.O. 1960, c. 79, s. 48 (1); 1960-61, c. 16, s. 6; 1964, c. 14, s. 9 (1).

(2) Every such application shall be supported by such evidence as the Director requires, and the Director may require that notice in such form and manner as he prescribes be given to the credit union or the members thereof. R.S.O. 1960, c. 79, s. 48 (2); 1964, c. 14, s. 9 (2). Notice

(3) The Director may require the applicant to furnish security for the costs of the examination or meeting. R.S.O. 1960, c. 79, s. 48 (3); 1964, c. 14, s. 9 (3). Security for costs

(4) All expenses of and incidental to the examination or meeting shall be defrayed by the persons applying therefor or out of the funds of the credit union, or by the members or officers or former members or officers of the credit union, as the Director directs. R.S.O. 1960, c. 79, s. 48 (4); 1964, c. 14, s. 9 (4). Expenses, how defrayed

(5) The Director may direct the time and place at which the special meeting shall be held and may prescribe the matters that shall be discussed and determined at the meeting, and all the provisions of the by-laws of the credit union relating to general meetings apply to the special meeting. R.S.O. 1960, c. 79, s. 48 (5); 1964, c. 14, s. 9 (5). Special meeting

Annual
statements

51. A credit union shall not later than three months after the end of its fiscal year deliver to the supervisor, in the form prescribed by him, an audited statement of its receipts and expenditures, assets and liabilities, and such statement shall also contain such other information as he requires. R.S.O. 1960, c. 79, s. 49; 1960-61, c. 16, s. 7.

Information
for
supervisor

52.—(1) A credit union shall furnish the supervisor with such statements with respect to its business, finances and other affairs and with such other information as he requires. R.S.O. 1960, c. 79, s. 50 (1); 1960-61, c. 16, s. 8 (1).

Verification

(2) The statement and other information required shall be certified by the supervisory committee and shall be verified by the affidavit of the president and of the treasurer or manager. R.S.O. 1960, c. 79, s. 50 (2).

Inspection

(3) The supervisor or any person authorized by the Director may inspect and examine into the conditions and affairs of any credit union and shall be given access to all books, records and other documents and may make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as they become due, and whether or not it has complied with this Act, and the officers and employees shall facilitate such inspection and examination. R.S.O. 1960, c. 79, s. 50 (3); 1960-61, c. 16, s. 8 (2); 1964, c. 14, s. 10 (1).

Examination
under oath

(4) The supervisor or any person authorized by the Director may examine under oath officers, employees, members and members of any board of any credit union in order to obtain any information that he considers necessary for the purpose of an inspection or examination, and, upon such inspection or examination, the supervisor or any person so authorized has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. R.S.O. 1960, c. 79, s. 50 (4); 1960-61, c. 16, s. 8 (3); 1964, c. 14, s. 10 (2).

R.S.O. 1970,
c. 379

Reports

(5) The supervisor may, and at the request of the Director shall, prepare, from statements filed by the credit unions and from inspections and examinations, a report showing particulars of the business of each credit union and every such report may be printed, and, if printed, shall be published forthwith. R.S.O. 1960, c. 79, s. 50 (5); 1960-61, c. 16, s. 8 (4); 1964, c. 14, s. 10 (3).

Examination
by Director

53.—(1) Where it appears to the Director from an examination of the condition and affairs of a credit union that any of the funds, securities or other property of the credit union may have been misappropriated or misdirected or that the records do not show the true financial position of the credit union, he may appoint an auditor or auditors to make such examination and

audit of the affairs of the credit union as he considers necessary, and the remuneration of any auditor or auditors so appointed shall be paid by the credit union. R.S.O. 1960, c. 79, s. 51 (1); 1964, c. 14, s. 11 (1).

(2) Where it appears to the Director from an examination of *Idem* the condition and affairs of a credit union that the assets are shown on the statement mentioned in section 51 at an amount greater than the true value, he may require the credit union to set aside out of earnings such additional reserves as he considers necessary, and, where in his opinion the value of the assets of the credit union is less than its liabilities, including the share accounts of its members, the Director may prohibit the credit union from taking further deposits or payments on shares from members or from making any payments to its members, or may limit such payments for such period as he considers necessary to protect the interests of the members, and he may take such other action as he considers necessary for the protection or in the interest of the members, including the calling of meetings of members and having his representative attend the meeting for the purpose of explaining the situation to the members. R.S.O. 1960, c. 79, s. 51 (2); 1964, c. 14, s. 11 (2).

(3) The Director may order a credit union to discontinue doing business for such time as he determines if, after an inspection thereof, he is satisfied that the continuance in business of the credit union is not in the public interest. R.S.O. 1960, c. 79, s. 51 (3); 1964, c. 14, s. 11 (3). Suspension
of business

54.—(1) Any credit union that considers itself aggrieved by a decision of the Director may appeal therefrom to the Court of Appeal. R.S.O. 1960, c. 79, s. 52 (1); 1964, c. 14, s. 12 (1). Appeal

(2) The appeal shall be set down for argument at the first sitting of the Court of Appeal that commences after the expiration of thirty days from the decision complained of. When to be
set down

(3) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action. R.S.O. 1960, c. 79, s. 52 (2, 3). Procedure

(4) The Director shall certify to the Registrar of the Supreme Court the decision appealed from, his reasons therefor, and the documents, information and material he had before him in making such decision. R.S.O. 1960, c. 79, s. 52 (4); 1964, c. 14, s. 12 (2). Record

55.—(1) Ten or more credit unions may be incorporated as a league for the object and purpose of, Incorporation
of
league

(a) protecting and advancing the credit unions that are members of the league;

- (b) encouraging and assisting educational and advisory work relating to credit unions;
- (c) arranging for group bonding of credit union employees and ensuring repayment of loans made by credit unions to their members;
- (d) receiving moneys from its members either as payment on shares or as deposits; and
- (e) making loans to credit unions that are members of the league. R.S.O. 1960, c. 79, s. 53 (1).

Signature of
president,
treasurer or
manager

(2) The president and the treasurer or manager of each such credit union shall sign in duplicate before two witnesses a memorandum of association in the prescribed form and both copies, accompanied by the proposed by-laws, shall be forwarded to the Minister.

Certificate
of incor-
poration
of league

(3) Upon receipt of the documents mentioned in subsection 2, the Minister may in his discretion refuse to issue a certificate of incorporation or may issue a certificate of incorporation, and upon incorporation the provisions of this Act applicable to credit unions, except where inconsistent with this section, apply *mutatis mutandis* to leagues incorporated under this section. R.S.O. 1960, c. 79, s. 53 (2, 3), *amended*.

Evidence of
incorpora-
tion of
league

(4) The production of a copy of *The Ontario Gazette* containing the notice of incorporation of the league is conclusive evidence that the league is duly incorporated.

By-laws of
league

(5) Any league incorporated under this section may pass such by-laws as it considers advisable, but no by-law becomes operative until approved by the supervisor. R.S.O. 1960, c. 79, s. 53 (4, 5).

Assessment
of members
for league

(6) A credit union that is a member of a league may by by-law provide for a yearly assessment of each of its members of an amount fixed by the by-law, which amount shall be paid to the league to assist in its financing. 1968-69, c. 21, s. 4.

Examination
of credit
union by
league

(7) Any competent person authorized by a league incorporated under this section may examine into the affairs of any credit union that is a member of the league and for such purpose he shall be given access to all books, records and other documents of the credit union and he may make whatever inquiries are necessary to ascertain its true condition and its ability to provide for the payment of its liabilities as they become due, and the officers and employees of the credit union shall facilitate him in his examination and inquiry.

Report to
supervisor

(8) Where, as a result of an examination under subsection 7, it appears that the assets of the credit union are shown in the statement mentioned in section 51 or in its records at an amount

greater than their true value or that its records are inadequate to show its true financial position, or that it is being managed improperly, the league shall immediately report such information to the supervisor, and the league shall upon the request of the supervisor furnish him with such information as he requires regarding or resulting from the examination. R.S.O. 1960, c. 79, s. 53 (7, 8).

56.—(1) A credit union may be an instrument in writing signed by two-thirds of its members, or by a resolution passed by two-thirds of its members, or by a resolution passed by two-thirds of its members present at a general meeting called for that purpose, authorize its dissolution. R.S.O. 1960, c. 79, s. 54 (1). Dissolution

(2) The instrument or resolution shall also set forth the liabilities and assets of the credit union, the number of its members and the nature of their respective interests in the credit union, the claims of creditors, if any, and the provision to be made for their payment, and the intended appropriation or division of the property of the credit union unless the appropriation or division is by the instrument or resolution to be left to the award of the Director. R.S.O. 1960, c. 79, s. 54 (2); 1964, c. 14, s. 13 (1). Contents of instrument or resolution

(3) The credit union shall send a copy of the instrument or resolution to the Director and shall give notice of the instrument or resolution in *The Ontario Gazette* and in a newspaper having a general circulation in the locality in which the registered office of the credit union is situated. R.S.O. 1960, c. 79, s. 54 (3); 1964, c. 14, s. 13 (2). Notice of instrument or resolution

(4) Where the credit union has no liabilities and has appropriated or divided its property pursuant to the instrument or resolution, the Minister may by order declare the credit union to be dissolved on such date as the order fixes. R.S.O. 1960, c. 79, s. 54 (4), *amended*. Order of dissolution

(5) The Minister shall cause notice of the dissolution of the corporation to be given in *The Ontario Gazette* and shall advise the Director thereof. R.S.O. 1960, c. 79, s. 54 (5); 1964, c. 14, s. 13 (3), *amended*. Notice of dissolution

57.—(1) The Minister may by order dissolve a credit union, if he is satisfied that, Dissolution by Minister

- (a) its incorporation was obtained by fraud or mistake;
- (b) it exists for an illegal purpose;
- (c) the number of its members is reduced to less than twenty;
- (d) it is not carrying on business or is not in operation; or
- (e) it has, after notice by the supervisor, contravened any of the provisions of this Act. R.S.O. 1960, c. 79, s. 55 (1); 1960-61, c. 16, s. 9, *amended*.

Notice by
Minister

(2) The Minister shall give the credit union not less than two months notice of the proposed dissolution, specifying the reasons therefor and stating that unless cause is shown to the contrary within such period it will be dissolved.

Order of
dissolution

(3) At the expiration of the time mentioned in the notice, the Minister may, unless cause to the contrary is previously shown by the credit union, by order declare the credit union to be dissolved on such date as the order fixes. R.S.O. 1960, c. 79, s. 55 (2, 3), *amended*.

Notice of
dissolution

(4) The Minister shall cause notice of the dissolution of the corporation to be given in *The Ontario Gazette* and shall advise the Director thereof. R.S.O. 1960, c. 79, s. 55 (4); 1964, c. 14, s. 14, *amended*.

Amalgama-
tion of
credit
unions

58.—(1) Any two or more credit unions to which this Act applies may amalgamate and continue as one credit union.

Joint
agreement
between
credit unions
proposing
to amalga-
mate, etc.

(2) The credit unions proposing to amalgamate may enter into an agreement for the amalgamation prescribing the terms and conditions of the amalgamation, the mode of carrying the amalgamation into effect, and stating the name of the amalgamated credit union, the names, callings and places of residence of the first directors thereof and how and when the subsequent directors are to be elected with such other details as are necessary to perfect the amalgamation and to provide for the subsequent management and working of the amalgamated credit union, and the par value of each share, and the manner of converting the share capital of each of the amalgamating credit unions into that of the amalgamated credit union.

Submission
to members
of credit
unions

(3) The agreement shall be submitted to the members of each of the amalgamating credit unions at general meetings thereof called for the purpose of considering the agreement, and, if two-thirds of the votes cast at each such meeting are in favour of the adoption of the agreement, that fact shall be certified upon the agreement by the secretary of each of the amalgamating credit unions under the corporate seal thereof. R.S.O. 1960, c. 79, s. 56 (1-3).

Application
for cer-
tificate of
amalgama-
tion

(4) If the agreement is adopted in accordance with subsection 3, the amalgamating credit unions may apply jointly to the Minister for a certificate of amalgamation.

Certificate
of amal-
gamation

(5) The Minister may, in his discretion, issue a certificate of amalgamation, and on and after the date of the certificate such amalgamating credit unions are amalgamated and are continued as one credit union under the name set forth in the certificate, and the amalgamated credit union possesses all the property, rights, privileges and franchises and is subject to all the liabilities,

contracts, disabilities and debts of each of the amalgamating credit unions. R.S.O. 1960, c. 79, s. 56 (4, 5), *amended*.

(6) The Minister shall cause notice of the issue of the certificate of amalgamation to be given in *The Ontario Gazette* and to the Director. R.S.O. 1960, c. 79, s. 56 (6); 1964, c. 14, s. 15, *amended*. Notice

59.—(1) A credit union may sell all or any part of its assets to another credit union or it may purchase all or any part of the assets of another credit union in accordance with this section. Sale and purchase of assets

(2) The purchasing credit union may assume, as part of the purchase price, any or all of the liabilities of the selling credit union and may pay the balance in cash or by the issue of shares to the selling credit union or the members thereof whether or not such members are members of the purchasing credit union. R.S.O. 1960, c. 79, s. 57 (1, 2). Purchase price

(3) The selling credit union shall enter into an agreement with the purchasing credit union containing the terms and conditions of the sale, and the selling credit union shall within one month after the agreement is signed file a copy thereof with the Director for his approval. R.S.O. 1960, c. 79, s. 57 (3); 1964, c. 14, s. 16 (1). Agreement

(4) If and when the agreement is approved by the Director, each of the credit unions shall submit it to a meeting of its shareholders of which due notice has been given to all shareholders stating the purpose for which the meetings are called. R.S.O. 1960, c. 79, s. 57 (4); 1964, c. 14, s. 16 (2). Submission of agreement to shareholders

(5) If the agreement is approved by the shareholders of each of the credit unions by at least a three-fourths vote of the shareholders present at each meeting, the secretary of each credit union shall certify on the agreement that it has been so approved and shall forward a copy of the agreement so certified to the Director. R.S.O. 1960, c. 79, s. 57 (5); 1964, c. 14, s. 16 (3). Approval by shareholders

(6) Upon the approval of the shareholders of each of the credit unions, the agreement is binding on each of the credit unions and the sale shall thereafter be completed as of the effective date specified in the agreement, which shall be a date subsequent to the approval by the shareholders of each of the credit unions. R.S.O. 1960, c. 79, s. 57 (6). Effect of approval

(7) In the event the agreement does not specify an effective date, the Director may fix a date upon which it will become effective. R.S.O. 1960, c. 79, s. 57 (7); 1964, c. 14, s. 16 (4). Effective date

(8) If the selling credit union has disposed of all its assets under the agreement, it shall cease to carry on business on the effective date of the agreement, except for the purpose of winding up its affairs, and it shall dissolve as soon as possible thereafter. R.S.O. 1960, c. 79, s. 57 (8). Where all assets disposed of

Notice of
winding-up
proceedings
R.S.C. 1952,
c. 296

60. Where proceedings are taken under the *Winding-up Act* (Canada) in respect of a credit union, the secretary shall send notice thereof to the supervisor by registered mail. R.S.O. 1960, c. 79, s. 58; 1960-61, c. 16, s. 10.

Offences:
of credit
unions

61.—(1) Every credit union that fails to comply with any of the provisions of this Act or the regulations or that makes any return or furnishes any information required to be made or furnished under this Act or the regulations containing any false statement is guilty of an offence.

of officers
and others

(2) Every offence by a credit union under this Act shall be deemed to have been also committed by every officer of the credit union who is bound by its by-laws to fulfill the duty whereof such offence is a breach, or, if there is no such officer, then by every member of the board of directors unless such member is found to have been ignorant of, or to have attempted to prevent the commission of, such offence, and every act or default under this Act constituting an offence, if continued, constitutes a new offence in every week during which it continues.

Penalty

(3) Any credit union or other person guilty of an offence under this Act is liable on summary conviction to a fine of not less than \$20 and not more than \$200 for every such offence. R.S.O. 1960, c. 79, s. 59.

Failure to
file annual
statement

(4) Notwithstanding subsections 2 and 3, any credit union that is in default of filing the annual statement required by section 51 is liable on summary conviction to a fine of not more than \$5 for each day such default continues. 1968-69, c. 21, s. 5.

Regulations

62. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the procedure and forms to be used under this Act;
- (b) providing and prescribing the fees payable for incorporation of credit unions and credit union leagues, for amalgamation of credit unions, for changing the name of credit unions, for filing any memorandum of association, return or other document required or permitted to be filed under this Act, for searches, and for certified copies of certificates of incorporation and other documents;
- (c) respecting the holding of first meetings, the notice calling the meeting, the quorum, and the business to be transacted;
- (d) governing credit unions and leagues of credit unions;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 79, s. 60.

63.—(1) This Act, except in so far as it is otherwise expressly declared, applies to, Application of Act

- (a) co-operative credit societies incorporated under *The Co-operative Credit Societies Act*, being chapter 64 of the Statutes of Ontario, 1922;
- (b) co-operative credit societies and credit unions incorporated under *The Co-operative Credit Societies Act*, being chapter 258 of the Revised Statutes of Ontario, 1937; or
- (c) credit unions and credit union leagues incorporated under this Act or any predecessor thereof. R.S.O. 1960, c. 79, s. 61 (1), *amended*.

(2) Every co-operative credit society incorporated under *The Co-operative Credit Societies Act*, being chapter 64 of the Statutes of Ontario, 1922, or *The Co-operative Credit Societies Act*, being chapter 258 of the Revised Statutes of Ontario, 1937, shall for the purposes of this Act be deemed a credit union. R.S.O. 1960, c. 79, s. 61 (2). Certain societies deemed credit unions
